

**Notice of Allowability**

Application No.

09/995,433

Examiner

Patrick Miller

Applicant(s)

BLOYER ET AL

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 06/13/05.
2. ☒ The allowed claim(s) is/are 1,3-6,8-12,14,15 and 18-28.
3. ☒ The drawings filed on 27 November 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

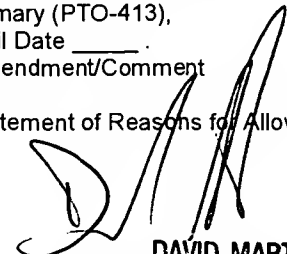
\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_



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## DETAILED ACTION

### *Allowable Subject Matter*

1. Claims 1, 3-6, 8-12, 14, 15, and 18-28 are allowed.
2. The following is an examiner's statement of reasons for allowance:
  - With respect to claim 1:
    - a. Boyd et al. (6,741,414) discloses controlling the speed of a spindle motor based on a mechanical disturbance (cols. 11/12/13, ll. 54-67/1-67/1-14). Boyd et al. also disclose viscous drag having an effect on the rotational speed (col. 12, ll. 54-58). Dunn et al. (5,473,230) disclose modulating current in reference to a predetermined profile to correct the position error of the head (cols. 3/4, ll. 64-67/1-43). However, neither Boyd et al., nor Dunn et al., nor any other Prior Art, discloses modulating current in reference to both a predetermined profile that reduces air bearing instability *and* an occurrence of interference associated with an undesired air-bearing stability in an interface between a head and a surface.
  - With respect to claims 12, 18, and 19:
    - a. The Prior Art does not disclose the limitations of claims 12, 18, and 19 (see previous office actions).
  - With respect to claim 23:
    - a. The Prior Art discloses modulating current to a voice coil motor (VCM) in a manner that avoids anomalies, thereby reducing wear on a head and the recording medium. See Kim et al. (6,493,173), Byun et al. (2005/0068661), and Rahman (2003/0117906). However, the Prior Art does not disclose modulating current to

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the *spindle motor* in a manner that avoids anomalies in the performance of the mass storage device thereby reducing wear on a head and the recording medium.

- With respect to claim 28:

- a. The Prior Art does not disclose a receiver, a determiner, and a generator, with the limitations as claimed (see previous office actions).

3. Therefore, based on the arguments and amendments presented by the Applicant, the Examiner acknowledges the Prior Art fails to make obvious the Applicant's claimed invention.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick Miller whose telephone number is 571-272-2070. The examiner can normally be reached on M-F, 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Martin can be reached on 571-272-2800 ext 41. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9318.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-3431.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Patrick Miller  
Examiner  
Art Unit 2837

pm  
July 27, 2005